

First committee amendment adopted by the following vote:

YEAS—16.

| | | |
|--------------|----------|-----------|
| Buchanan, | Gooch, | Peacock, |
| Chesley, | Harris, | Pfeuffer, |
| Collins, | Jones, | Pope, |
| Cooper, | Kleberg, | Randolph, |
| Fowler, | Matlock, | Traylor. |
| Getzendaner, | | |

NAYS—0.

| | | |
|----------|---------------------|-----------|
| Evans, | Johnson of Collin, | Perry, |
| Fleming, | Johnston of Shelby, | Stratton, |
| Houston, | Martin, | Terrell. |

Senator Peacock offered the following substitute for the second committee amendment:

Amend second committee amendment by striking out "ten cents" and inserting "fifteen cents."

Senator Pope moved to adjourn till 10 o'clock a. m. to-morrow.

Lost by the following vote:

YEAS—1.

Pfeuffer.

NAYS—20.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Houston, | Perry, |
| Chesley, | Johnston of Shelby, | Pope, |
| Fleming, | Jones, | Randolph, |
| Fowler, | Kleberg, | Stratton, |
| Getzendaner, | Martin, | Terrell, |
| Gooch, | Matlock, | Traylor. |
| Harris, | Patton, | |

The substitute of Senator Peacock was adopted by the following vote:

YEAS—19.

| | | |
|-----------|---------------------|-----------|
| Buchanan, | Houston, | Patton, |
| Chesley, | Johnston of Shelby, | Peacock, |
| Collins, | Jones, | Perry, |
| Fleming, | Kleberg, | Stratton, |
| Fowler, | Martin, | Terrell, |
| Gooch, | Matlock, | Traylor. |
| Harris, | | |

NAYS—6.

| | | |
|---------|--------------|-----------|
| Cooper, | Getzendaner, | Pope, |
| Evans, | Pfeuffer, | Randolph. |

Committee amendment as substituted, adopted, and

Bill passed to its third reading.

Senator Gooch moved to suspend the constitutional rule and place the bill on its third reading.

Adopted, by the following vote:

YEAS—25.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Harris, | Peacock, |
| Chesley, | Houston, | Perry, |
| Collins, | Johnston of Shelby, | Pfeuffer, |
| Cooper, | Jones, | Pope, |
| Evans, | Kleburg, | Randolph, |
| Fleming, | Martin, | Stratton, |
| Fowler, | Matlock, | Terrell, |
| Getzendaner, | Patton, | Traylor. |
| Gooch, | | |

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—18.

| | | |
|-----------|----------|-----------|
| Buchanan, | Harris, | Peacock, |
| Chesley, | Jones, | Pfeuffer, |
| Collins, | Kleberg, | Pope, |
| Fleming, | Martin, | Stratton, |
| Fowler, | Matlock, | Terrell, |
| Gooch, | Patton, | Traylor. |

NAYS—7.

| | | |
|--------------|---------------------|-----------|
| Cooper, | Houston, | Perry, |
| Evans, | Johnston of Shelby, | Randolph. |
| Getzendaner, | | |

Senator Houston requested the following reasons for voting against the passage of the bill to be printed in the journal of to-day:

I vote no, because the ad valorem tax is higher than necessary. HOUSTON.

On motion of Senator Jones,
The Senate adjourned till 10 o'clock, a. m., to-morrow.

TWENTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 2, 1884.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

On motion of Senator Stratton,

The reading of the journal of yesterday was dispensed with, and

The journal was adopted.

Senator Farrar, chairman of the committee appointed to visit and inspect the Lunatic Asylum, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1884.

Hon. Marion Martin, President of the Senate:

Your committee who were appointed recently under a resolution of the Senate to visit the Lunatic Asylum for the purpose of inspecting its condition and reporting thereon, have performed the duty assigned them. In company with Dr. Denton, the Superintendent, they went through all the wards of the asylum, and found them all very neat and clean. They were pleased, also, to find the unfortunate inmates well clad and their health exceptionally good. The new building, which is now completed, and used for the female inmates of the asylum, is very comfortable, and, so far as your committee are capable of determining, is well adapted to the purpose for which it was designed.

The furniture in the wards of the new building is generally new, good and substantial. The entire new building presents a cheerful and comfortable aspect; and is a vast improvement upon the old building in many respects. In a word it is a structure of which Texas may well feel proud. When the improvements upon the yard and fences, now contemplated by the Superintendent, are completed, they will add greatly to the beauty of the place selected for the location of the asylum.

Your committee were pleased to learn from the Superintendent that last year all the vegetables and forage necessary for the asylum were produced by its inmates upon the land purchased by the appropriation made at the last session of the Legislature for that purpose, and that the work performed by them contributed to the health of those who were thus employed.

If the good health and comfortable condition of the unfortunate persons confined in this asylum be any evidence of their treatment by the Superintendent, your committee feel constrained to say that the people of Texas may rest satisfied that all is being done that kindness and humanity can suggest to improve the unhappy lot of those committed to his charge.

FARRAR, Chairman.
SHANNON.

Senator Pfeuffer offered the following concurrent resolution:

"Resolution requesting our Representatives in

Congress to give the bill now pending in Congress to prevent the importation of adulterated wines and brandies from Europe and other countries into the United States their earnest support."

The President laid before the Senate, Substitute House bills 6, 24, 25, 26, 29, 34, 43, 47 and 63, "An act to amend articles 4360, 4361, 4366, 4367, 4370, 4371, 4372, 4375, 4379, 4384, 4387, 4389 and 4390 of title 87, chapter 1, and to add thereto articles 4390a, 4390b, 4390c, and also to amend article 4392 of chapter 2, and article 4418 of chapter 4, title 87, of the Revised Civil Statutes, relating to public roads, and to enforce the provisions of article 4390a of this bill, and to provide adequate penalties therefor," the regular order of business for this hour.

Bill read second time.

Senator Getzendaner offered the following amendment:

Strike out article 4360.

Withdrawn.

Senator Kleberg offered the following amendment:

Provided further, that all notices in relation to the change discontinuing, opening or altering of public roads shall be published in a newspaper, if there be one in the county, for at least two consecutive weeks; otherwise said notices shall be posted as provided by law; and the cost of such publication in a newspaper shall be paid by the person or persons petitioning for such change opening, altering or discontinuing of of such roads.

Lost.

Senator Terrell offered the following amendment:

Insert after "county," line 18, page 3, of printed bill: "As notices are required to be given to non-resident defendants as to actions in the district or county court, and the roads may be established after four weeks publication, the cost of publishing to be paid as directed by judgment of the court," and strike out the remaining part of the section.

Adopted by the following vote:

YEAS—17.

| | | |
|-----------|---------------------|-----------|
| Buchanan, | Gooch, | Matlock, |
| Collins, | Harris, | Perry, |
| Evans, | Johnston of Shelby, | Pfeuffer, |
| Farrar, | Jones, | Terrell, |
| Fowler, | Kleberg, | Traylor. |
| Gibbs, | Martin, | |

NAYS—6.

| | | |
|--------------|----------|-----------|
| Cooper, | Peacock, | Randolph, |
| Getzendaner, | Pope, | Shannon. |

The President gave notice of signing House bill No. 28, "An act to amend article 4360, title 87, chapter 1, providing for the establishment of public roads, and to prohibit commissioners' courts from altering or changing public roads, except for the purpose of straightening them and placing them on better ground and shortening the distance from the point of beginning to the point of destination, and to repeal all laws in conflict with this act."

Senator Getzendaner offered the following amendment:

In article 4370, substitute for lines 11, 12, 13, 14, 15, and line 16 to the word "if,"

"One or more of the jury of freeholders provided for in article 4367 shall issue a notice in writing of the time when they will proceed to lay out such road or when they will assess the damages incidental to

the opening of the same, and shall serve such notice, or a copy thereof, on each land owner through whose land such proposed road may run, or on his agent or attorney, at least five days before the day named therein."

Lost.

Senator Evans offered the following amendment:

Amend by striking out lines 28 and 29, page 5, article 4390a.

Lost.

Senator Traylor offered the following amendment to article 4389:

Strike out the proviso and add:

Provided, that where the right of way for any third class or neighborhood road, has been granted to the county without cost, the owner of such land shall have the right to put a gate across such road or roads, but where such right of way has been condemned and paid for according to existing law, the county commissioners' court shall have the right to prevent any obstruction of such a road by a gate.

Senator Kleberg offered the following substitute for the amendment of Senator Traylor:

Amend by striking out proviso in article 4389.

The President ruled that the amendment of Senator Traylor being to insert, had precedence over the substitute of Senator Kleberg, which is to strike out.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 2, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed under suspension of the constitutional rule, House bill No. 92, "An act to make an appropriation to be used by the Governor for the payment of rewards and ferreting out and suppressing crime." Passed by a two-thirds vote—ayes 93, nays none.

Respectfully,

J. W. BOOTH, Chief Clerk.

Senator Kleberg moved to postpone the pending bill and take up House bill No. 92, just reported from the House.

Adopted by the following vote:

YEAS—19.

| | | |
|-----------|---------------------|-----------|
| Buchanan, | Harris, | Peacock, |
| Chesley, | Houston, | Perry, |
| Farrar, | Johnston of Shelby, | Pfeuffer, |
| Fleming, | Jones, | Pope, |
| Fowler, | Kleberg, | Shannon, |
| Gibbs, | Martin, | Stratton. |
| Gooch, | | |

NAYS—7.

| | | |
|--------------|----------|-----------|
| Cooper, | Matlock, | Randolph, |
| Evans, | Patton, | Traylor. |
| Getzendaner, | | |

The pending bill went to the table.

Bill taken up and read first time.

Senator Houston moved to suspend the constitutional rule requiring bills to be read on three several days, and place the bill on its second reading.

Adopted by the following vote:

YEAS—25.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gooch, | Peacock, |
| Chesley, | Harris, | Perry, |
| Collins, | Houston, | Pfeuffer, |
| Evans, | Johnston of Shelby, | Pope, |
| Farrar, | Jones, | Shannon, |
| Fleming, | Kleberg, | Stratton, |
| Fowler, | Martin, | Terrell, |
| Getzendaner, | Matlock, | Traylor. |
| Gibbs, | | |

NAYS—3.

Cooper, Patton, Randolph.

Bill read the second time and passed to its third reading.

Senator Houston moved to further suspend the rules and place the bill on its third reading.

Adopted by the following vote:

YEAS—25.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Harris, | Perry, |
| Collins, | Houston, | Pfeuffer, |
| Evans, | Johnston of Shelby, | Pope, |
| Farrar, | Jones, | Randolph, |
| Fleming, | Kleberg, | Shannon, |
| Fowler, | Martin, | Stratton, |
| Getzendaner, | Matlock, | Terrell, |
| Gibbs, | Peacock, | Traylor. |
| Gooch, | | |

NAYS—1.

Cooper.

Bill read third time and passed, by the following vote:

YEAS—27.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gooch, | Peacock, |
| Chesley, | Harris, | Perry, |
| Collins, | Houston, | Pfeuffer, |
| Evans, | Johnston of Shelby, | Pope, |
| Farrar, | Jones, | Randolph, |
| Fleming, | Kleburg, | Shannon, |
| Fowler, | Martin, | Stratton, |
| Getzendaner, | Matlock, | Terrell, |
| Gibbs, | Patton, | Traylor. |

NAYS—1.

Cooper.

Senator Matlock moved to reconsider the vote by which House bill No. 92 was just passed, and moved to lay that motion on the table.

Adopted.

Senator Matlock offered the following substitute for the amendment of Senator Traylor to House substitute bill just postponed for the purpose of taking up and passing House bill No. 92:

Amend article 4389 by adding the following: "without the consent of the person or persons granting the right of way."

Lost.

Senator Jones offered the following substitute for article 4389:

"In all cases where the right of way has been condemned or purchased by the commissioners' court for a third class road, no gate shall be placed across said road without the consent of said commissioners' court; provided, that in all cases where right of way has been given for a third class road, said party so giving shall have the right to put the gates across said road."

Senator Patton moved the previous question on the substitute, amendment and engrossment of the bill.

Motion seconded, and

The main question ordered by the following vote:

YEAS—14.

| | | |
|-----------|---------------------|-----------|
| Buchanan, | Johnston of Shelby, | Randolph, |
| Cooper, | Jones, | Shannon, |
| Evans, | Kleberg, | Terrell, |
| Fowler, | Patton, | Traylor. |
| Gooch, | Pope, | |

NAYS—13.

| | | |
|--------------|----------|-----------|
| Chesley, | Gibbs, | Peacock, |
| Collins, | Harris, | Perry, |
| Farrar, | Houston, | Pfeuffer, |
| Fleming, | Matlock, | Stratton. |
| Getzendaner, | | |

The substitute of Senator Jones was lost.

The amendment of Senator Traylor was adopted by the following vote:

YEAS—17.

| | | |
|-----------|---------------------|-----------|
| Buchanan, | Getzendaner, | Randolph, |
| Chesley, | Gibbs, | Shannon, |
| Cooper, | Gooch, | Stratton, |
| Evans, | Harris, | Terrell, |
| Farrar, | Johnston of Shelby, | Traylor. |
| Fowler, | Patton, | |

NAYS—11.

| | | |
|----------|----------|-----------|
| Collins, | Kleberg, | Perry, |
| Fleming, | Martin, | Pfeuffer, |
| Houston, | Matlock, | Pope. |
| Jones, | Peacock, | |

The amendment of Senator Kleberg to strike out the proviso in article 4389 was not in order.

Senator Gooch made the point of order that the proviso had been stricken out and was not now a part of the bill.

Withdrawn, and

The substitute of Senator Kleberg was lost by the following vote:

YEAS—12.

| | | |
|----------|----------|-----------|
| Chesley, | Jones, | Perry, |
| Collins, | Kleberg, | Pfeuffer, |
| Fleming, | Martin, | Pope, |
| Houston, | Matlock, | Stratton. |

NAYS—15.

| | | |
|-----------|---------------------|-----------|
| Buchanan, | Getzendaner, | Peacock, |
| Cooper, | Gooch, | Randolph, |
| Evans, | Harris, | Shannon, |
| Farrar, | Johnston of Shelby, | Terrell, |
| Fowler, | Patton, | Traylor. |

Bill passed to its third reading.

Senator Patton moved to suspend the rules and place the bill on its third reading and final passage.

Adopted by the following vote:

YEAS—25.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Harris, | Perry, |
| Collins, | Houston, | Pfeuffer, |
| Cooper, | Johnston of Shelby, | Pope, |
| Evans, | Jones, | Randolph, |
| Farrar, | Kleberg, | Shannon, |
| Fleming, | Matlock, | Stratton, |
| Fowler, | Patton, | Terrell, |
| Getzendaner, | Peacock, | Traylor. |
| Gooch, | | |

NAYS—1.

Martin.

Bill read third time.

Senator Peacock offered the following amendment:

Amend article 4389 by striking out the words "when necessary," in lines 4 and 5.

Lost by the following vote:

YEAS—10.

| | | |
|----------|----------|-----------|
| Chesley, | Kleberg, | Pfeuffer, |
| Collins, | Martin, | Stratton, |
| Harris, | Peacock, | Terrell. |
| Houston, | | |

NAYS—16.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gibbs, | Perry, |
| Cooper, | Gooch, | Pope, |
| Evans, | Johnston of Shelby, | Randolph, |
| Farrar, | Jones, | Shannon, |
| Fowler, | Patton, | Traylor. |
| Getzendaner, | | |

Senator Buchanan moved the previous question on the final passage of the bill.

Motion seconded.

Senator Peacock moved to reconsider the vote by which the bill passed to its third reading.

Senator Houston made the point of order that a motion to reconsider was not in order after the previous question had been seconded.

Sustained.

The previous question was then withdrawn.

Senator Houston offered the following amendment:

Add to article 4366 the words "unless the county commissioners' court shall be authorized to do so by a four-fifths vote of the tax-payers of the county voting at an election for the purpose."

Senator Buchanan moved the previous question on the amendment and passage of the bill.

Motion seconded, and

Main question ordered.

Amendment of Senator Houston lost by the following vote, a two-thirds vote being necessary to adopt:

YEAS—16.

| | | |
|----------|----------|-----------|
| Collins, | Jones, | Perry, |
| Evans, | Kleberg, | Pfeuffer, |
| Fleming, | Martin, | Pope, |
| Gibbs, | Matlock, | Shannon, |
| Harris, | Peacock, | Stratton. |
| Houston, | | |

NAYS—11.

| | | |
|-----------|---------------------|-----------|
| Buchanan, | Getzendaner, | Randolph, |
| Cooper, | Gooch, | Terrell, |
| Farrar, | Johnston of Shelby, | Traylor. |
| Fowler, | Patton, | |

Bill passed by the following vote:

YEAS—18.

| | | |
|-----------|---------------------|-----------|
| Buchanan, | Getzendaner, | Pfeuffer, |
| Collins, | Gibbs, | Pope, |
| Cooper, | Gooch, | Randolph, |
| Evans, | Johnston of Shelby, | Shannon, |
| Farrar, | Jones, | Terrell, |
| Fowler, | Patton, | Traylor. |

NAYS—8.

| | | |
|----------|----------|-----------|
| Chesley, | Kleberg, | Perry, |
| Fleming, | Martin, | Stratton. |
| Houston, | Peacock, | |

The following are reasons for voting against this bill:

I vote "no" on substitute for House bills Nos. 6, 23, 24, 25, 26, 29, 34, 43, 47 and 63, providing for a new road law, because it makes a cast iron law for the whole State, regardless of the wants, interests and necessities of the various sections of the State, and takes alike from the people and county commissioners' courts of the State that right of local self government so necessary for the best interest of the counties, and prohibits the people and county commissioners' courts from making or changing the class of road even when necessary to the public convenience.

STRATTON.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared substitute Senate bill No. 66, being "An act to control and dispose of all the lands heretofore or hereafter surveyed and set apart for the benefit of the common schools, university, lunatic, deaf and dumb, blind, and orphan asylum funds," etc., and find the same correctly engrossed.

MARTIN, Chairman.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 72, which provides an amendment to articles 3027 and 3029, chapter 3, title 57, of the Revised Civil Statutes, with relation to selection of jurors, have considered the same, and instruct me to report the same back with the recommendation that it do pass.

Article 3027 requires the county judge to appoint jury commissioners at the July and January terms of the court.

Under the constitutional amendments, we have no July and January terms of the courts imperatively required.

The bill proposes to authorize the county judge to appoint jury commissioners at the first term after the thirty-first day of December, and thirtieth day of June of each year.

If this bill does not pass there is no way to get legal juries in county courts.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

On motion of Senator Terrell, the regular order of business was suspended to take up House bill No. 72, just reported from the committee, by the following vote:

YEAS—13.

| | | |
|--------------|-----------|-----------|
| Evans, | Houston, | Randolph, |
| Farrar, | Perry, | Shannon, |
| Getzendaner, | Pfeuffer, | Stratton, |
| Gibbs, | Pope, | Traylor. |
| Harris, | | |

NAYS—8.

| | | |
|---------------------|----------|----------|
| Chesley, | Jones, | Matlock, |
| Fleming, | Kleberg, | Peacock. |
| Johnston of Shelby, | Martin, | |

Bill taken up, and

On motion of Senator Terrell,

The rules were suspended to place the bill on its second reading by the following vote:

YEAS—24.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gibbs, | Peacock, |
| Chesley, | Harris, | Pfeuffer, |
| Collins, | Houston, | Pope, |
| Evans, | Johnston of Shelby, | Randolph, |
| Farrar, | Jones, | Shannon, |
| Fleming, | Kleberg, | Stratton, |
| Fowler, | Martin, | Terrell, |
| Getzendaner, | Matlock, | Traylor. |

NAYS—none.

Bill read second time and passed to third reading.

Senator Terrell moved to further suspend the rules, and place the bill on its third reading.

Adopted by the following vote:

YEAS—25.

| | | |
|--------------|---------------------|-----------|
| Chesley, | Gooch, | Peacock, |
| Collins, | Harris, | Pfeuffer, |
| Cooper, | Houston, | Pope, |
| Evans, | Johnston of Shelby, | Randolph, |
| Farrar, | Jones, | Shannon, |
| Fleming, | Kleberg, | Stratton, |
| Fowler, | Martin, | Terrell, |
| Getzendaner, | Matlock, | Traylor. |
| Gibbs, | Patton, | |

NAYS—none.

Bill read time, and passed by the following vote:

YEAS—24.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gibbs, | Peacock, |
| Chesley, | Harris, | Pfeuffer, |
| Collins, | Houston, | Pope, |
| Evans, | Johnston of Shelby, | Randolph, |
| Farrar, | Jones, | Shannon, |
| Fleming, | Kleberg, | Stratton, |
| Fowler, | Martin, | Terrell, |
| Getzendaner, | Matlock, | Traylor. |

NAYS—none.

Substitute Senate bill No. 67, "An act to amend article 679 of the Penal Code of the State of Texas," was taken up and read the third time, and

The bill passed by the following vote:

YEAS—21.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gibbs, | Matlock, |
| Collins, | Gooch, | Patton, |
| Evans, | Harris, | Peacock, |
| Farrar, | Houston, | Pfeuffer, |
| Fleming, | Johnston of Shelby, | Stratton, |
| Fowler, | Kleburg, | Terrell, |
| Getzendaner, | Martin, | Traylor. |

NAYS—6.

| | | |
|----------|--------|-----------|
| Chesley, | Jones, | Randolph, |
| Cooper, | Perry, | Shannon. |

The President laid before the Senate House bill No. 98, "An act to amend chapter 9, section 1, of an act passed at the regular session of the Seventeenth Legislature, authorizing county commissioners' courts to issue bonds for the erection of court houses, approved February 11, 1881, so as to include jail bonds."

Bill read second time.

Rules were suspended, and

Bill placed on its third reading by the following vote:

YEAS—26.

| | | |
|--------------|---------------------|-----------|
| Buchanan, | Gibbs, | Patton, |
| Chesley, | Gooch, | Peacock, |
| Collins, | Harris, | Perry, |
| Cooper, | Houston, | Pfeuffer, |
| Evans, | Johnston of Shelby, | Pope, |
| Farrar, | Jones, | Randolph, |
| Fleming, | Kleberg, | Shannon, |
| Fowler, | Martin, | Traylor. |
| Getzendaner, | Matlock, | |

NAYS—none.

Bill read the third time, and
Passed by the following vote:

YEAS—23.

| | | |
|-----------|---------|--------------|
| Buchanan, | Cooper, | Fleming, |
| Chesley, | Evans, | Fowler, |
| Collins, | Farrar, | Getzendaner, |

| | | |
|---------------------|----------|----------|
| Gibbs, | Jones, | Perry, |
| Gooch, | Kleberg, | Pope, |
| Harris, | Matlock, | Shannon, |
| Houston, | Patton, | Traylor. |
| Johnston of Shelby, | Peacock, | |

NAYS—none.

The President laid before the Senate Senate bill No. 7, "An act making certain reservations for public roads out of lands hereafter disposed of by the State."

Bill read second time, and

Committee substitute adopted by the following vote:

YEAS—18.

| | | |
|----------|--------------|-----------|
| Chesley, | Getzendaner, | Pope, |
| Cooper, | Gibbs, | Randolph, |
| Evans, | Harris, | Shannon, |
| Farrar, | Jones, | Stratton, |
| Fleming, | Patton, | Terrell, |
| Fowler, | Perry, | Traylor. |

NAYS—6.

| | | |
|-----------|----------|----------|
| Buchanan, | Houston, | Matlock, |
| Collins, | Kleberg, | Peacock. |
| Gooch, | Martin, | |

Senator Traylor offered the following amendment:

SEC. —. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Adopted.

Senator Gibbs moved to suspend the rules to read the bill the third time.

Senator Kleberg moved a call of the Senate.

Roll called.

Absent: Senator Johnson of Collin.

Senator Gibbs moved to excuse Senator Johnson of Collin.

Lost, by the following vote, it requiring a two-thirds vote to excuse an absent Senator on a call of the Senate:

YEAS—15.

| | | |
|----------|--------------|-----------|
| Chesley, | Getzendaner, | Perry, |
| Cooper, | Gibbs, | Pope, |
| Evans, | Harris, | Shannon, |
| Fleming, | Jones, | Stratton, |
| Fowler, | Patton, | Traylor. |

NAYS—10.

| | | |
|---------------------|----------|-----------|
| Buchanan, | Kleberg, | Peacock, |
| Gooch, | Martin, | Randolph, |
| Houston, | Matlock, | Terrell. |
| Johnston of Shelby, | | |

Pending business went to the table.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1884.

Hon. Marlon Martin. President of the Senate:

Your Committee on Engrossed Bills, have carefully examined and compared Senate bill No. 61, being "An act to authorize cities and towns, incorporated under special laws, and villages incorporated for free school purposes only, to issue bonds for the purpose of erecting school houses," etc., etc., and find the same correctly engrossed.

MARTIN. Chairman.

Senator Gooch, chairman of Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1884.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, have had under consideration House bill No. 41, entitled "An act to amend article 804, chapter —, title 18 of the Penal Code," and a majority recommend that it do pass. We are aware that manslaughter and, perhaps, other felonies, could not be the subject of conspiracy, but the bill will apply to such felonies as are committed with deliberation, and will affect that class of felonies only. It seems to us more important to punish a combination or agreement to commit a felony, than to punish its commission. The leading reason for the punishment of crime is to prevent crime. To punish a conspiracy as a felony is calculated to prevent a common agreement to commit offenses, and give earnestness and strength to the actors.

GOOCH, Chairman.

Senator Gibbs, chairman of committee appointed to visit the Deaf and Dumb Asylum, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1884.

Hon. Marion Martin, President of the Senate:

Your committee appointed to examine into the condition of the Deaf and Dumb Institute have performed that duty as well as they could with the limited time at their disposal.

We find that the additions to the asylum building will be completed in time for the institution to open about April 1, and while we did not suppose that it was intended for this committee to report as to whether the same was being constructed according to contract, yet we are of opinion that the work is being done in a substantial and workmanlike manner. We believe that the plans were defective in providing for so much unroofed gallery space, as it will cost the State a considerable sum for annual repairs. We find nothing to criticize in the financial management of the board of trustees, or in so far as care for and improvement of the general condition of the institution is concerned.

We believe that in the selection of a superintendent the board of trustees have not acted in strict accordance with the letter and spirit of the law, which provides that "the person selected as superintendent shall have had special advantages and practical experience in the management of the persons committed to his charge by virtue of his appointment.

The Rev. Wm. Sheppard, the person selected, has the reputation of being a most excellent citizen of Austin, but upon inquiry the committee doubt his eligibility under the law, as he has no knowledge of the mute language, and has not had the experience requisite under the statute creating the office. We believe the law is a wise one, as such qualifications are absolutely necessary for the proper management of these unfortunates, and in the older States it has been found a useful provision. The change in the law of appointment was made to remove, as far as possible, the management of these expensive State institution from the domain of politics, and the restrictions were placed upon the appointing power of the board, because the experience in our own and sister States had demonstrated the fact that the prescribed qualifications were necessary. We believe the present law is defective in not providing for a confirmation by the Senate of the appointee of the board, and it should be changed in this particular.

Respectfully submitted,

GIBBS,
COOPER.

Senator Fowler, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1884.

To the Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 1, entitled a bill to be entitled "An act to amend articles 804 and 805, concerning conspiracies and their punishment, in the Penal Code of Texas," have had the same under consideration, and instruct me to report the same back with the recommendation that the said bill do lie on the table, for the reason that House bill No. 44, on the same subject, has been reported favorably by this committee and it is, therefore, unnecessary for the Senate to take further action on this bill.

All of which is respectfully submitted.

FOWLER, for Committee.

The President gave notice of signing the following:

Substitute for House bills Nos. 86, 89, and 93, entitled "An act to amend sections 5, 7, 26 and 39 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

Senator Houston moved to suspend the regular order of business, and take up Senate bill No. 71, "An act to protect the lands of those whose fences shall have been cut, injured or destroyed unlawfully from trespass for six months thereafter."

Motion adopted by the following vote:

YEAS—21.

| | | |
|-----------|---------------------|-----------|
| Buchanan, | Harris, | Peacock, |
| Collins, | Houston, | Perry, |
| Evans, | Johnston of Shelby, | Pfeuffer, |
| Farrar, | Jones, | Pope, |
| Fleming, | Kleberg, | Randolph, |
| Fowler, | Martin, | Shannon, |
| Gooch, | Matlock, | Stratton. |

NAYS—6.

| | | |
|----------|--------------|----------|
| Chesley, | Getzendaner, | Patton, |
| Cooper, | Gibbs, | Terrell. |

On motion of Senator Terrell,

The Senate adjourned till 3 o'clock this evening.

AFTERNOON SESSION.

Senate met pursuant to adjournment.
Lieutenant-Governor Martin in the chair.
Roll called.

Quorum present.

On motion of Senator Martin,

Senator Jones was excused indefinitely, after today, on account of important business.

Senator Houston introduced the following bill:

"An act to provide for the holding of district courts in counties recently organized where no law is now in force to provide for the same."

Referred to Committee on Judicial Districts.

Senate bill No. 1, "An act to protect the lands of those whose fences shall have been cut, injured," etc., pending on adjournment,

Was taken up, and

Read second time.

Senator Houston offered the following amendment:

"The near approach of the close of the session, and the necessity for immediate protection to property, creates an imperative public necessity and an emergency for the suspension of the rule, and the immediate passage of his act, and that it take effect from and after its passage."

Adopted.

Senator Shannon offered the following amendment:

Strike out "six months" and insert "sixty days."

Adopted by the following vote:

YEAS—11.

| | | |
|----------|-----------|-----------|
| Chesley, | Kleberg, | Randolph, |
| Fowler, | Perry, | Shannon, |
| Gibbs, | Pfeuffer, | Stratton. |
| Jones, | Pope, | |

NAYS—10.

| | | |
|-----------|--------------|----------|
| Buchanan, | Getzendaner, | Martin, |
| Collins, | Harris, | Peacock, |
| Evans, | Houston, | Terrell. |
| Farrar, | | |

Senator Chesley offered the following amendment:

Amend by striking out the enacting clause.

The President gave notice of signing House bills Nos. 56 and 67, entitled "An act to amend sections 31 and 38 of an act entitled 'an act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883."

Pending amendment of Senator Chesley lost, by the following vote:

YEAS—10.

| | | |
|-----------|--------------|-----------|
| Buchanan, | Fowler, | Peacock, |
| Chesley, | Getzendaner, | Randolph, |
| Evans, | Patton, | Terrell. |
| Farrar, | | |

NAYS—12.

| | | |
|----------|----------|-----------|
| Collins, | Houston, | Pfeuffer, |
| Fleming, | Jones, | Pope, |
| Gibbs, | Kleberg, | Shannon, |
| Harris, | Martin, | Stratton. |

The following message was received from the House:

HOUSE OF REPRESENTATIVES.
AUSTIN, February 2, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House has passed Senate bill No. 68, "An act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes." Passed under a suspension of the rule.

Respectfully,

J. W. BOOTH, Chief Clerk.

Senator Patton moved moved a call of the Senate on the pending bill.

Call sustained.

Roll called.

Absent: Senators Johnson of Shelby and Perry.

Senator Houston moved to excuse the absent Senators.

Lost by the following vote, it requiring a two-thirds vote to excuse absent Senators under a call of the Senate:

YEAS—14.

| | | |
|----------|----------|-----------|
| Collins, | Harris, | Pfeuffer, |
| Farrar, | Houston, | Pope, |
| Fleming, | Jones, | Shannon, |
| Fowler, | Kleberg, | Stratton. |
| Gibbs, | Martin, | |

NAYS—9.

| | | |
|-----------|--------------|-----------|
| Buchanan, | Evans, | Peacock, |
| Chesley, | Getzendaner, | Randolph, |
| Cooper, | Patton, | Terrell. |

The pending business went to the table under the call.

Senator Gibbs presented a petition from the citizens of Dallas, praying for a district criminal court of Dallas county, Texas.

Referred to Committee on Judicial Districts.

Also introduced a bill to be entitled "An act to create the thirty-ninth judicial district."

Referred to Committee on Judicial Districts.

Senator Harris, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 2, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 76, entitled "An act to provide for the holding of district courts in counties recently organized, where no law is in force to provide for the same," have carefully examined the same and instruct me to report the same back with the recommendation that it do pass. The bill is intended to put in force at once the forty-first section of the act passed by the Eighteenth Legislature, at the regular session, to redistrict the State into judicial districts, which act does not take effect until after next election.

All of which is respectfully submitted.

HARRIS, Chairman.

Bill read first time.

Senator Harris moved to suspend the regular order of business and take up the bill just reported.

Adopted by the following vote:

YEAS—21.

| | | |
|--------------|----------|-----------|
| Buchanan, | Gibbs, | Peacock, |
| Collins, | Harris, | Pfeuffer, |
| Cooper, | Houston, | Pope, |
| Evans, | Jones, | Randolph, |
| Farrar, | Kleberg, | Shannon, |
| Fowler, | Martin, | Stratton, |
| Getzendaner, | Patton, | Terrell. |

NAYS—none.

Bill read second time.

The bill was ordered engrossed.

Senator Harris moved to suspend the constitutional rule to place the bill on its third reading.

Adopted by the following vote:

YEAS—21.

| | | |
|--------------|----------|-----------|
| Buchanan, | Gibbs, | Peacock, |
| Collins, | Harris, | Pfeuffer, |
| Cooper, | Houston, | Pope, |
| Evans, | Jones, | Randolph, |
| Farrar, | Kleberg, | Shannon, |
| Fowler, | Martin, | Stratton, |
| Getzendaner, | Patton, | Terrell. |

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22.

| | | |
|--------------|----------|-----------|
| Buchanan, | Gibbs, | Peacock, |
| Chesley, | Harris, | Pfeuffer, |
| Collins, | Houston, | Pope, |
| Cooper, | Jones, | Randolph, |
| Davis, | Kleberg, | Shannon, |
| Farrar, | Martin, | Stratton, |
| Fowler, | Patton, | Terrell. |
| Getzendaner, | | |

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 2, 1884.

Hon. Marion Martin, President of the Senate:

I am instructed to inform the Senate that the House refuses to concur in Senate amendments to House bill No. 1, "An act to amend article 4662, chapter 1, title 95, of the Revised Statutes, as amended and approved May 4, A. D. 1883, and to amend articles 4666 and 4668, chapter 1, title 95, of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution."

Respectfully,

J. W. BOOTH, Chief Clerk.

Senator Pfeuffer moved that the Senate insist upon its amendments to House bill No. 1, and ask for a free conference committee to settle the disagreements between the two bodies.

Adopted, and

The President appointed Senators Pfeuffer, Buchanan and Collins on said committee on the part of the Senate.

Senator Jones moved to suspend the regular order of business and take up Senate bill No. 59, "An act to amend articles 3672 and 3675, chapter 2, title 76, and article 4466, chapter 1, title 88, Revised Civil Statutes; to add articles 3675a, 3675b, 3675c, 3675d, and 3675e, and to make an appropriation."

Adopted.

Senator Jones offered the following amendment to article 3675:

Strike out "said superintendent" and insert "clerk of said courts."

Adopted.

Senator Chesley offered the following amendment: Amend article 3675a by adding to end of section, "Said superintendent shall make his report in writing to the Comptroller, stating articles received and articles sold, to whom and at what price, and also a report showing how said funds were expended."

Adopted, and

Bill ordered engrossed.

Senator Jones moved to suspend the rules and place the bill on its third reading.

Adopted by the following vote:

YEAS—22.

| | | |
|--------------|----------|-----------|
| Chesley, | Gibbs, | Pfeuffer, |
| Collins, | Harris, | Pope, |
| Cooper, | Houston, | Randolph, |
| Evans, | Jones, | Shannon, |
| Farrar, | Kleberg, | Stratton, |
| Fleming, | Martin, | Terrell, |
| Fowler, | Peacock, | Taylor, |
| Getzendaner, | | |

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22,

| | | |
|-----------|--------------|-----------|
| Buchanan, | Getzendaner, | Patton, |
| Chesley, | Gibbs, | Peacock, |
| Collins, | Harris, | Pfeuffer, |
| Cooper, | Houston, | Pope, |
| Evans, | Jones, | Shannon, |
| Farrar, | Kleberg, | Stratton, |
| Fleming, | Martin, | Terrell, |
| Fowler, | | |

NAYS—none.

On motion of Senator Gibbs,

The Senate adjourned till 10 o'clock a. m. Monday.

TWENTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, February 4, 1884.

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called.

Quorum present.

Prayer by Rev. Dr. Poindexter, Chaplain of the House.

On motion of Senator Stratton,

The reading of the journal of Saturday was dispensed with, and

The journal was adopted.

Senator Harris, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 77, entitled "An act to create the thirty-ninth judicial district," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, because the matter cannot, at this late hour, be properly considered by the committee, or by the Legislature, without serious interference with other business of more general importance now before the two houses.

All of which is respectfully submitted.

HARRIS, Chairman.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 76, being "An act to provide for holding district courts in counties recently organized, where no law is now in force to provide for the same." Also, Senate bill No. 59, "An act to amend articles 3672 and 3675, chapter 2, title 76, Revised Civil Statutes, to add certain articles to said statutes, and to make an appropriation," and find the same correctly engrossed.

MARTIN, Chairman.

COMMITTEE ROOM,
AUSTIN, February 4, 1884.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 7, being "An act making certain reservations for public roads over all lands hereafter disposed of by the State," and find the same correctly engrossed.

MARTIN, Chairman.

The President gave notice of signing the following bills:

House bill No. 72, which provides an amendment to articles 3027 and 3029, chapter 3, title 57, of the Revised Civil Statutes.

House bill No. 92, "An act to make an appropriation to be used by the Governor for the payment of rewards and ferreting out and suppressing crime."

House bill No. 98, "An act to amend chapter 9, section 1, of an act passed at the regular session of the Seventeenth Legislature, authorizing county commissioners' courts to issue bonds for the erection of court houses, approved February 11, 1881, so as to include jail bonds."

Also, Senate bill No. 68, "An act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes."